

**Calendar No. 320**

108TH CONGRESS  
1ST SESSION

**S. 269**

**[Report No. 108–172]**

To amend the Lacey Act Amendments of 1981 to further the conservation  
of certain wildlife species.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2003

Mr. JEFFORDS (for himself, Mr. ENSIGN, Mr. WYDEN, Mr. LEVIN, Mr. SMITH, Mr. LIEBERMAN, Mr. BREAUX, Mr. ALLARD, Mr. LEAHY, Mr. KERRY, Mrs. BOXER, Mr. LAUTENBERG, Mr. INHOFE, Mr. DEWINE, Ms. LANDRIEU, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 23, 2003

Reported by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To amend the Lacey Act Amendments of 1981 to further  
the conservation of certain wildlife species.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Wildlife Safety  
3 Act”.

4 **SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

5 Section 2 of the Lacey Act Amendments of 1981 (16  
6 U.S.C. 3371) is amended—

7 (1) by redesignating subsections (g) through (j)  
8 as subsections (h) through (k), respectively; and

9 (2) by inserting after subsection (f) the fol-  
10 lowing:

11 ~~“(k) PROHIBITED WILDLIFE SPECIES.—The~~  
12 ~~term ‘prohibited wildlife species’ means any live lion,~~  
13 ~~tiger, leopard, cheetah, jaguar, or cougar.”.~~

14 *“(g) PROHIBITED WILDLIFE SPECIES.—The term*  
15 *‘prohibited wildlife species’ means—*

16 *“(A) any live species of lion, tiger, leopard,*  
17 *cheetah, jaguar, or cougar; and*

18 *“(B) any live hybrid of any of those spe-*  
19 *cies.”.*

20 **SEC. 3. PROHIBITED ACTS.**

21 (a) IN GENERAL.—Section 3 of the Lacey Act  
22 Amendments of 1981 (16 U.S.C. 3372) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)—

25 (i) in subparagraph (A), by striking “,  
26 or” at the end and inserting a semicolon;

1 (ii) in subparagraph (B), by inserting

2 “or” after the semicolon at the end; and

3 (iii) by adding at the end the fol-

4 lowing:

5 “(C) any prohibited wildlife species (sub-  
6 ject to subsection (e));”;

7 (B) in paragraph (3)(B), by inserting “or”  
8 after the semicolon at the end; and

9 (C) in paragraph (4), by striking “para-  
10 graphs (1) through (4)” and inserting “para-  
11 graphs (1) through (3)”;

12 (2) by adding at the end the following:

13 “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE  
14 SPECIES OFFENSE.—

15 “(1) IN GENERAL.—Subsection (a)(2)(C) does  
16 not apply to—

17 “(A) any ~~zoo, circus, exhibitor or~~ research  
18 facility licensed or registered and inspected by  
19 a Federal agency; ~~or aquarium;~~

20 “(B) ~~any person accredited by the Associa-~~  
21 ~~tion of Sanctuaries or the American Sanctuary~~  
22 ~~Association;~~

23 “(B) *any sanctuary, humane society, ani-*  
24 *mal shelter, or society for the prevention of cru-*  
25 *elty to animals that—*

1           “(i)(I) is an organization described in  
 2           section 501(c)(3) of the Internal Revenue  
 3           Code of 1986 that is exempt from taxation  
 4           under section 501(a) of that Code; and

5           “(II) is an organization described in  
 6           section 170(b)(1)(A)(vi) of that Code;

7           “(ii) does not engage in commercial  
 8           trade of animals listed in section 2(k) (in-  
 9           cluding any sale of animals, animal parts,  
 10          byproducts, or offspring, exhibition of ani-  
 11          mals for photograph opportunities, or con-  
 12          duct of public events with live animals for  
 13          financial profit or any other entertainment  
 14          purpose);

15          “(iii) does not propagate animals in a  
 16          facility of the sanctuary, humane society,  
 17          animal shelter, or society for the prevention  
 18          of cruelty to animals;

19          “(iv) does not—

20               “(I) allow unescorted public visi-  
 21               tation or direct contact between the  
 22               public and wild animals; or

23               “(II) take animals from a sanc-  
 24               tuary or enclosure for exhibition; and

1 “(v) maintains exceptional standards  
2 of animal care;

3 “(C) any State college, university, or agen-  
4 cy, State-licensed wildlife rehabilitator, or  
5 State-licensed veterinarian;

6 ~~“(D) any incorporated humane society,~~  
7 ~~animal shelter, or society for the prevention of~~  
8 ~~cruelty to animals;~~

9 ~~“(E) any federally-licensed and inspected~~  
10 ~~breeder or dealer that is conducting any breed-~~  
11 ~~ing or dealing activity with a person referred to~~  
12 ~~in this paragraph; or~~

13 “(D) any federally-licensed and inspected  
14 broker or dealer in a case in which the broker or  
15 dealer is conducting any brokering or dealing ac-  
16 tivity with a person referred to in this para-  
17 graph; or

18 ~~“(F) (E)~~ any person having custody of a  
19 wild animal solely for the purpose of *expedi-*  
20 *tiously* transporting the animal to a person re-  
21 ferred to in this paragraph.

22 “(2) REGULATIONS.—Not later than 180 days  
23 after the date of enactment of this subsection, the  
24 Secretary, *in cooperation with the Director of the*  
25 *Animal and Plant Health Inspection Service and in*

1       consultation with the heads of other relevant Federal  
2       agencies, shall promulgate regulations describing the  
3       persons or entities to which paragraph (1) applies.

4               “(3) STATE AUTHORITY.—Nothing in this sub-  
5       section preempts or supersedes the authority of a  
6       State to regulate wildlife species within that State.”.

7       (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey  
8       Act Amendments of 1981 (as added by subsection  
9       (a)(1)(A)(iii)) shall apply beginning on the effective date  
10      of regulations promulgated under section 3(e)(2) of that  
11      Act (as added by subsection (a)(2)).



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